



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : William L. Bowden et al.

Art Unit : 1745

Serial No. : 10/085,303

Examiner : Raymond Alejandro

Filed : February 28, 2002

Title : NON-AQUEOUS ELECTROCHEMICAL CELL

Mail Stop RCE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

DECLARATION UNDER 37 CFR § 1.132 OF MICHAEL POZIN

I, Michael Pozin, hereby declare as follows:

1. I am a named inventor in the above-identified patent application. I have a Ph.D. in electrochemical engineering from Saint Petersburg's University of Technology (Russia). I have been involved in the study of batteries for about 25 years. I have been employed at The Gillette Company (Duracell), the assignee of the above-identified patent application, for about five years.

2. I have read and understood the references cited in the Office action: U.S. Patent Publication No. 2002/0113622 to Blasi *et al.* ("Blasi"), U.S. Patent Publication No. 2003/0186110 to Sloop ("Sloop"), and U.S. Patent No. 5,554,462 to Flandrois *et al.* ("Flandrois").

3. None of the cited references disclose that the electrochemical cell was manufactured to have a controlled sodium content, nor do any of the cited references suggest that the electrochemical cells should be manufactured to have a controlled sodium content.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

11/29/04

Date of Deposit

Signature

Alissa Passacantilli

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4. Typically, cells of the general type described in the cited references will include sodium because sodium can be introduced during manufacture of the cells and/or from one or more components of the cells.

5. Unless the lithium electrochemical cell is manufactured using a controlled process or a process disclosed in the above-identified application, the lithium electrochemical cell typically would have a sodium content greater than 1500 ppm.

6. Components of a lithium electrochemical cell can have varied sodium content. Accordingly, unless the components of a lithium electrochemical cell are specifically obtained or expressly specified to have a low sodium content, the sodium content of the lithium electrochemical cell components typically would result in a cell having a sodium content of greater than 1500 ppm.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that those statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



Michael Pozin, Ph.D.

11.23.04

Date